In the High Court for the States of Punjab and Haryana, at Chandigarh.

C.R.No.1950 of 2007 (O&M)
Decided on April 17,2007.

M/s. Mohit Stone Crusher,Koliwala and others -- Petitioners

vs.

Phool Chand and others -- Respondents.

Present: Mr. R.S.Longia, Advocate, for the petitioners

Pritam Pal,J: (Oral)

This Civil Revision by petitioners/defendants filed under Article 227 of the Constitution of India, is directed against order dated March 24,2007,whereby an application for consolidation of two suits, was dismissed.

It is suffice to say that suit titled Phool Chand and others v. M/s. Mohit Stone Crusher and another in which an application for consolidation was moved, has already reached at a final stage. A perusal of the impugned order shows that the petitioners had moved an application for consolidation of the suit on the date when the case was fixed for evidence of the defendants and now the defendants have already been ordered to bring their evidence at their own responsibility,whereas suit titled Ram Pal v. State of Haryana which the petitioners wants to be consolidated is now at a initial stage. In the earlier suit, there is a direction of the High Court to decide the same by May 2007. Plaintiffs

in both the cases are also different.

Thus, taking an over-all view of the facts and circumstances of this case, no interference is called for in the impugned order. Hence, this Civil Revision stands dismissed in *limine*.

Before parting with this order, it is also to add here that counsel for the petitioners has also relied upon following catena of authorities:-

(1) Shew Narayan Singh v. Brahmanand Singh and others, A.I.R.(37) 1950 Calcutta 479;
(2) Ranjit Kumar Pal Chowdhury v. Murari Mohal Pal Chowdhury and others A.I.R.1958 Calcutta 710;
(3) Nani Gopal Bandhyopadhyaya and others vs. Bhola Nath Bandhyopadhyaya and others A.I.R. 1973 Patna 437;
(4) M/s.Bokaro & Ramgur Ltd v. The State of Bihar and others A.I.R.1973 Patna 340 and
(5)Ganeshdas v. Ramesh Chandra 2002 (4) RCR (Civil) 208.

I have gone through the above cited case laws and find that the facts contained therein are quite at variance from the facts of the case in hand. Hence, no benefit can be derived by the petitioners from the observations made by their Lordships in the afore-cited rulings.

April 17,2007 (Pritam Pal)
RR Judge